

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-4117

Zoumade Madjakpor,

Petitioner,

v.

John Ashcroft, Attorney General of
the United States,

Respondent.

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On Petition for Review From
an Order of the Board of
Immigration Appeals.

[UNPUBLISHED]

Submitted: December 17, 2003

Filed: May 24, 2004

Before MELLOY, MCMILLIAN, and BOWMAN, Circuit Judges.

PER CURIAM.

Zoumande Madjakpor, a native of Togo, seeks withholding of removal and relief under the Convention Against Torture (CAT). Madjakpor claims his past participation in a resistance movement would subject him to persecution and torture if he were to be removed to Togo. The Immigration Judge denied withholding of removal and ordered Madjakpor removed to the Ivory Coast where he had lived for approximately twenty years. The removal order included Togo as an alternative country of removal if the Ivory Coast refused to accept him. The Board of Immigration Appeals affirmed the decision and Madjakpor petitions this Court for

review, challenging only his possible removal to Togo, not his removal to the Ivory Coast.

Because Madjakpor makes no claim that removal to the Ivory Coast would expose him to either persecution or torture, we hold his petition for review in abeyance pending the outcome of the Attorney General's efforts to remove Madjakpor to the Ivory Coast. If the Ivory Coast accepts Madjakpor, the Attorney General shall so inform us of this fact, and we then will dismiss the petition as moot, since removal to Togo would no longer be in order once the Ivory Coast has accepted him. If the Ivory Coast declines to accept Madjakpor, the Attorney General shall so inform us, and we then will proceed to adjudicate Madjakpor's claims regarding the suitability of Togo as a country of removal.

Madjakpor also requests that we review the administrative denial of his request for voluntary departure. This decision is unreviewable, and we therefore dismiss the claim. 8 U.S.C. § 1229c(f) (2000). The Court retains jurisdiction over the petition for review with respect to the request for withholding of removal and relief under the CAT. The Attorney General may proceed with Madjakpor's removal to the Ivory Coast.
